

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.: 05-81E
)	
Plaintiff,)	
)	
vs.)	
)	
JAMES E. WHITLEY, JR., and)	
CHARITY A. WHITLEY,)	
)	
Defendants.)	

AFFIDAVIT OF KIMBERLY A. SLAVONIC

COMMONWEALTH OF PENNSYLVANIA)
) SS
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, personally appeared KIMBERLY A. SLAVONIC, who, after first being duly sworn according to law, deposes and says the following is true and correct, based upon her personal knowledge and upon information supplied to her by others which she believes to be true and correct:

1. I am employed as a paralegal for John P. Davis, III, Esquire and Jones, Gregg, Creehan & Gerace, LLP, attorneys for the Plaintiff, the United States of America, in Civil Action No. 05-81E in the United States District Court for the Western District of Pennsylvania.

2. Plaintiff attempted to serve the Complaint in Mortgage Foreclosure and for Deficiency Judgment, the Notice of Lawsuit and Request for Waiver of Service of Summons and the Waiver of Service of Summons on Defendant, Charity A. Whitley, by

certified mail, return receipt requested at her last known address of 219 Rocca Way, Franklin, Pennsylvania 16323. On or about March 21, 2005, the United States Postal Service returned the package marked "no mail receptacle."

3. On or about March 23, 2005, Plaintiff sent an Address Information Request to the Franklin, Pennsylvania, Postmaster to ascertain whether Defendant, Charity A. Whitley still resided at the 219 Rocca Way address. The postmaster provided Plaintiff with a new address for Defendant, Charity A. Whitley, of 962 Two Mile Run Road, Franklin, Pennsylvania 16323. A true and correct copy of the Address Information Request is attached hereto as Exhibit "A."

4. The United States Marshals Service then attempted to serve the Defendant personally at the 962 Two Mile Run Road address. Attempts were made to serve her on April 8, 2005 and May 4, 2005, but, as indicated by the Marshals Return of Service, the attempts were unsuccessful. A true and correct copy of the Return of Service is attached hereto as Exhibit "B."

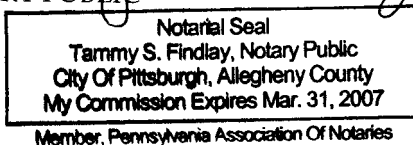
5. After attempting to serve the Defendant by utilizing the above named methods, I depose and say that Charity A. Whitley is avoiding service.

July 6, 2005
Date

Kimberly A. Slavonic
Kimberly A. Slavonic, Paralegal

SWORN TO and subscribed before me
this 6th day of July, 2005.

Tammy S. Findlay
NOTARY PUBLIC



JONES, GREGG, CREEHAN & GERACE, LLP
411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219
Counsel for U.S. Attorney

(412) 261-6400
Fax (412) 261-2652

DATE: March 23, 2005 USAO NO. 2004V01169
TO: POSTMASTER JGC&G NO. 05M275
Franklin, PA 16323

ADDRESS INFORMATION REQUEST

PLEASE FURNISH THE NEW ADDRESS, IF AVAILABLE FOR THE FOLLOWING INDIVIDUAL OR VERIFY WHETHER OR NOT THE ADDRESS GIVEN BELOW IS ONE AT WHICH MAIL FOR THIS INDIVIDUAL IS CURRENTLY BEING DELIVERED. IF THE FOLLOWING ADDRESS IS A POST OFFICE BOX, PLEASE FURNISH THE STREET ADDRESS AS RECORDED ON THE BOXHOLDER'S APPLICATION FORM.

NAME	Charity A. Whitley
LAST-KNOWN	219 Rocca Way
ADDRESS	Franklin, PA 16323

I CERTIFY THAT THIS ADDRESS INFORMATION IS REQUIRED FOR THE SERVICE OF LEGAL PROCESS.

John P. Davis, III
JOHN P. DAVIS, III, ESQUIRE
JONES, GREGG, CREEHAN & GERACE
Counsel for the U.S. Attorney

FOR POST OFFICE USE ONLY

PLEASE PROVIDE STREET ADDRESS

- () MAIL IS DELIVERED TO ADDRESS GIVEN
() NOT KNOWN AT ADDRESS GIVEN
() MOVED, LEFT NO FORWARDING ADDRESS
() NO SUCH ADDRESS

☒ NEW ADDRESS:

962 Two Mile Run Rd

Postmark/Date stamp

Exhibit A

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER C.A. 05-815
DEFENDANT James E. Whitley, Jr. and Charity A. Whitley		TYPE OF PROCESS Summons/Complaint
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Charity A. Whitley	SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW 962 Two Mile Run Road, Franklin, PA 16323
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)	

JONES, GREGG, CEEHAN & GERACE, LLP
ATTORNEYS AT LAW
411 SEVENTH AVENUE, SUITE 1200
PITTSBURGH, PA 15219-1905

Number of process to be served with this Form 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Please personally serve the above individual with the attached Complaint by MAY 9, 2005 or is in the military. Please indicate below if the person appears competent

Signature of Attorney or Originator requesting service Kimberly B. Slavonic	on behalf of: <input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 412-261-6400	DATE 3-28-05
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE			

I acknowledge receipt for the total number of process indicated.
(Sign only for USM 285 if more than one USM 285 is submitted)

Total Process

District of
Origin

District to
Serve

Signature of Authorized USMS Deputy or Clerk

Date

I hereby certify and return that I ☐ have personally served on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

Address (complete only different than shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Date

Time

☐ am
☐ pm

Signature of U.S. Marshal or Deputy

Service Fee \$180.00	Total Mileage Charges (including enclaves) \$106.92	Forwarding
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Total Charges
\$294.92

Advance Deposits

Amount owed to U.S. Marshal or (Amount of Refund)

REMARKS: TO ERIC 3-29-05

COMPETENT

MILITARY

RIOR EDITIONS MAY BE USED

PRINT COPIES

1. CLERK OF THE COURT
2. U.S. DEPT. OF JUSTICE

Exhibit B

FORM USM-285
PAGE 02

JUN 14 '05 15:56

Attempted Service 4/8/05 - \$90.00 + 53^{1/2} mileage
Attempted Service 5/4/05 \$90.00 + 53^{1/2} mileage